

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

707I0298

SENATE BILL NO. 33

Introduced by: The Committee on Commerce at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to telemarketing.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 37-30A-8 be amended to read as follows:

4 37-30A-8. The provisions of ~~this chapter~~ §§ 37-30A-4 to 37-30A-11, inclusive, do not apply
5 to a transaction:

6 (1) Made by a merchant who operates an established business that has a fixed permanent
7 location and who displays or offers consumer goods or services for sale on a
8 continuing basis;

9 (2) In which the business establishment making the solicitation is establishing a
10 business-to-business relationship or has a clear, preexisting business relationship with
11 the consumer, if that relationship resulted in the consumer becoming aware of the full
12 name, business address, and telephone number of the establishment;

13 (3) In which the consumer purchases goods or services pursuant to an examination of a
14 television, radio, or print advertisement or a sample, brochure, catalog, or other
15 mailing material of the telemarketer that contains:

16 (a) The name, address, and telephone number of the telemarketer;



- 1 (b) A full description of the goods or services being sold along with a list of all
- 2 prices or fees being requested, including any handling, shipping, sales tax, or
- 3 delivery charges; and
- 4 (c) Any limitations or restrictions that apply to the offer.